

CHART OF SIGNIFICANT PUBLIC INFORMATION REGARDING KENNER, CONSTANTINE, DIAMANTE, AND JOWDY

SOURCE NUMBER	DATE	PUBLIC SOURCE, RELEVANCE, AND SELECT EXCERPTS
GX-21	October 29, 2008	<p><u>Complaint filed in Maricopa County Superior Court, State of Arizona captioned <i>Little Isle IV, LLC et al. v. Kenneth A. Jowdy et. al.</i>, CV-2008-026850 (subsequently removed to the U.S. District Court for the District of Arizona, 2:09-cv-00142) (Complaint appears as exhibit to Notice of Removal)</u></p> <p>“Upon information and belief . . . Baja Development Corp., Diamante Del Mar, LLC, and Propriedades DDM . . . are business entities managed and/or controlled by Jowdy.” p. 3, ¶ 15</p> <p>“Upon information and belief, Jowdy has commingled and intermingled funds and other assets of such entities with his personal funds and assets for his own convenience and to evade payment of the companies’ obligations.” p. 3, ¶ 16</p> <p>“Upon information and belief, [Jowdy] has and continued to divert funds and other assets of such companies to non-corporate uses.” p. 3, ¶ 17</p> <p>“Upon information and belief, Jowdy diverted assets from said corporate entities to himself and/or other entities to the detriment of creditors, including Plaintiffs.” p. 4, ¶ 21</p>
GX-6	December 16, 2008	<p><u>Complaint filed in the U.S. District Court for the Central District of California captioned <i>Joe Juneau v. Kenner, Standard Advisors, LLC, Constantine, Kenneth Jowdy, Baja Development Corp., et. al.</i>, 08-CV-8284</u></p> <p>Alleges, <i>inter alia</i>, that Kenner and Jowdy diverted hockey players’ investment monies to fund DCSL</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that defendants Kenner, Ken Jowdy, Bill Najam, WWK Hawaii Holdings LLC, Windwalker Hawaii LLC, JN Development LLC, and NAV (collectively the "Hawaii Defendants") are part of a scheme intended to conceal secret interests and profits and enrich these defendants at the expense of actual investors in certain Hawaii real estate.” p. 4, ¶ 14</p> <p>“Plaintiff is informed and believes, and thereon alleges, that defendant Baja Development Corporation is controlled by defendants Kenner and Ken Jowdy.” p. 4, ¶ 18</p>

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		<p>“Plaintiff is informed and believes, and based thereon alleges, that Baja Management LLC is controlled by defendants Kenner and Ken Jowdy (Plaintiff collectively refers to Kenner, Jowdy, Baja Development Corporation, and Baja Management LLC as the (“Mexico Defendants”).” p. 4, ¶ 19</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that the Mexico Defendants abandoned the El Rosario development described in the Baja Development Corporation promissory note. Plaintiff is informed and believes, and based thereon alleges, that Kenner and Standard Advisors did not disclose to Juneau that Baja Development Corporation abandoned the El Rosario Development for which the loan was made.” p. 13, ¶ 50</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that the Mexico Defendants misappropriated and/or diverted the funds loaned by Juneau and used them for a different development called Dia Monte Caba (<i>sic; i.e.</i>, DCSL]. Juneau did not consent to any such diversion of funds.” p. 13, ¶ 51</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that all of the above-identified defendants except for Assante Global Advisors, Inc. knew that Kenner was engaged in a fraudulent enterprise with the intent of misappropriating funds from his clients, including. Juneau. Plaintiff further alleges that each of the above-identified defendants conspired with and assisted Kenner in accomplishing fraudulent activities by assisting Kenner and acting at Kenner's directions in operating the fraudulent entities described above.” p. 18, ¶ 79</p>
GX-22	December 31, 2008	<p><u>Complaint filed in the United States District Court for the Central District of California captioned <i>Moreau v. Kenner, Standard Advisors, Jowdy, Baja Development et. al.</i>, 08-CV-8640</u></p> <p>Alleges, <i>inter alia</i>, that Kenner and Jowdy misappropriated, to their own benefit, funds that the plaintiff intended to be for investments in developments</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that Baja Management LLC is controlled by defendants Kenner and Ken Jowdy (Plaintiff collectively refers to Kenner, Jowdy, Baja Development Corporation, and Baja Management LLC as the "Mexico Defendants").” p. 5, ¶ 16</p>

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		<p>“Kenner and Standard Advisors recommended that Moreau loan \$500,000 to Baja Development Corporation without interest on the loan. Moreau received a promissory note from Baja Development Corporation which provided that the loan would not be repaid until ‘not less than 1 00 individuals acquired membership interests in the proposed development of the Golf Club and Resort to be developed in El Rosario, Baja, California by Baja Development Corporation.’ Kenner secured this loan from Moreau by representing that the funds would only be used for the development in El Rosario. Kenner never told Moreau that Kenner was personally benefiting from the interest-free loan.” p. 8, ¶ 29</p> <p>“Plaintiff is informed and believes, and based thereon alleges, that the Mexico Defendants abandoned the El Rosario development described in the Baja Development Corporation promissory note. Plaintiff is informed and believes, and based thereon alleges, that Kenner and Standard Advisors did not disclose to Moreau that Baja Development Corporation abandoned the El Rosario Development for which the loan was made.” p. 8, ¶ 31</p> <p>“Plaintiff is informed and believes, and based thereon alleges that Kenner and Standard Advisors induced him to make a further investment of \$200,000 in a separate real estate development in Cabo, Mexico known as Diamante Cabo based upon the representation that the profits of Diamante Cabo were necessary to complete the El Rosario development. This representation was false and Moreau is informed and believes, and based thereon alleges, that the Mexico Defendants used Moreau's additional \$200,000 for their own personal benefit.” p. 8, ¶ 32</p> <p>“Plaintiff has not been paid the \$500,000 owed by Baja Development Corporation. Plaintiff has virtually no information about how the total \$700,000 invested in the Mexico development's [sic] at Kenner's recommendation used the money except that Kenner hosted lavish parties and flew potential investors to Mexico in private planes. Plaintiff is informed and believes, and based thereon alleges, that the Mexico Defendants, and each of them, is responsible for repayment of the entire balance of the promissory note.” p. 9, ¶ 33</p>
GX-23	April 26, 2009	<p><u><i>Scam on ice: Suit says ‘adviser’ bilked NHL players for millions.</i></u> <u>N.Y. Daily News, Teri Thompson and Michael O’Keeffe.</u> <u>https://www.nydailynews.com/sports/hockey/scam-ice-suit-adviser-bilked-nhl-players-millions-article-1.365745</u></p>

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		<p>Discusses allegations concerning Kenner’s misappropriation of Juneau’s investment monies</p> <p>“An unlicensed financial adviser who bills himself as a ‘lifestyle coach’ scammed several NHL players out of millions of dollars . . .”</p> <p>“A source familiar with the case says Kenner and his associates, including former race car driver Tommy Constantine, may have defrauded Juneau and other players out of as much as \$20 million. Sources say the FBI has been contacted about the matter.”</p> <p>“The suit also claims Kenner had ownership interests in other ventures that received Juneau's investments. It is also alleged that Kenner secretly withdrew funds from the former player's accounts without authorization, using the cash for his own use.”</p>
GX-24	June 18, 2009	<p><u><i>NHLers: Our Cash Was Blown on MLB Porn Party, Thirty Mile Zone (TMZ)</i></u></p> <p>Discusses NHL player claims that Jowdy misappropriated funds intended for the development of the Mexican golf club and resort.</p> <p>“The players claim they each invested between \$250,000 - \$500,000 with Jowdy -- who allegedly promised to use their money to develop a luxury golf course and resort.</p> <p>Instead, the suit alleges the money was blown on private jets, 5-star hotels, and parties with various female porn stars, escorts, strippers, party girls and other women for MLB greats . . .”</p>
GX-25	June 19, 2009	<p><u><i>Lawsuit claims developer duped 19 NHL players out of \$25 million</i></u>, by The Canadian Press, published on Sports Illustrated website</p> <p>Discusses NHL player claims that Jowdy misappropriated funds intended for the development of the Mexican resorts.</p> <p>“The New York Post reported in Friday's edition that 19 former and current NHL players filed suit against Ken Jowdy, alleging they invested the money with the Las Vegas-based golf-course mogul to develop two luxury resorts in Mexico - a project they say is seven years behind schedule. Instead, according to the players, Jowdy squandered the money on "lavish parties" to impress the likes of Clemens, Jackson and banned hits king Pete</p>

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		Rose, among others, who Jowdy hoped would eventually buy real estate in the planned resorts. The lawsuit seeks the return of the \$25 million they invested and \$15 million in damages.”
GX-26	June 19, 2009	<p><i>Golf Resort Developer Bilked NHL Stars: Suit</i>, New York Post, Jeane MacIntosh https://nypost.com/2009/06/19/golf-resort-developer-bilked-nhl-stars-suit/</p> <p>Retitled, <i>\$LAP SHOT AT PUCK SUCKERS?</i>, New York Post, Jeane MacIntosh https://nypost.com/2009/06/19/lap-shot-at-puck-suckers/</p> <p>Discusses lawsuits alleging that Jowdy misappropriated funds that were intended for development of DCSL and Diamante Del Mar.</p> <p>“A golf-resort developer put nearly two dozen NHL stars on ice — taking millions they invested with him and blowing it on parties packed with porn stars, hookers and his preferred baseball buddies, including ex-Yankees Roger Clemens and Reggie Jackson, according to two explosive lawsuits filed today. The 19 former and current stick-handlers – including an all-star roster of Rangers and Islanders – are demanding that Las Vegas-based golf-course mogul Ken Jowdy return the \$25 million they invested, plus fork over \$15 million in damages, for failing to build two luxury resorts in Mexico that are seven years behind schedule.”</p> <p>“‘The only thing they have to show for it is sand on a beach in the middle of nowhere,’ the players’ lawyer, Ronald Richards, told The Post.”</p> <p>“According to the filings, Jowdy lavished attention on the baseball players ‘under the guise that these individuals would eventually purchase real estate’ in the planned resorts, called Diamante Del Mar and Diamante Cabo San Lucas.”</p> <p>“Public records show Jowdy is being sued in Arizona and California. He also faces fraud charges in Mexico, where a warrant has been issued for his arrest.”</p> <p>“The larger lawsuit by the NHL stars seek \$25 million in damages related to a planned resort in Cabo San Lucas. On that project, Jowdy defaulted and owes money to a PGA star and golfcourse designer Phil Mickelson, the suit claims. Jowdy, the papers allege, also ‘falsified his financial statements’ for a loan he got through a Lehman Brothers broker, Masood Bhatti, before</p>

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		that firm imploded last September. Bhatti had a secret equity interest in the Cabo resort through an investment group controlled by his goddaughter, according to the suit, and blocked player's efforts to recoup their losses."
GX-27	June 19, 2009	<p><u><i>Puck That! NHL Players Claim \$25 Million Scam</i>, CBS News https://www.cbsnews.com/news/puck-that-nhl-players-claim-25m-scam/</u></p> <p>Discusses lawsuits alleging that Jowdy misappropriated funds that were intended for development of DCSL and Diamante Del Mar.</p> <p>"A golf-resort developer put nearly two dozen NHL stars on ice — taking millions they invested with him and blowing it on parties packed with porn stars, hookers and his preferred baseball buddies, including ex-Yankees Roger Clemens and Reggie Jackson, according to two explosive lawsuits filed today. The 19 former and current stick-handlers — including an all-star roster of Rangers and Islanders — are demanding that Las Vegas-based golf-course mogul Ken Jowdy return the \$25 million they invested, plus fork over \$15 million in damages, for failing to build two luxury resorts in Mexico that are seven years behind schedule."</p> <p>"‘The only thing they have to show for it is sand on a beach in the middle of nowhere,’ the players’ lawyer, Ronald Richards, told The Post."</p> <p>"According to the filings, Jowdy lavished attention on the baseball players ‘under the guise that these individuals would eventually purchase real estate’ in the planned resorts, called Diamante Del Mar and Diamante Cabo San Lucas."</p> <p>"Public records show Jowdy is being sued in Arizona and California. He also faces fraud charges in Mexico, where a warrant has been issued for his arrest."</p> <p>"The larger lawsuit by the NHL stars seek \$25 million in damages related to a planned resort in Cabo San Lucas. On that project, Jowdy defaulted and owes money to a PGA star and golfcourse designer Phil Mickelson, the suit claims. Jowdy, the papers allege, also ‘falsified his financial statements’ for a loan he got through a Lehman Brothers broker, Masood Bhatti, before that firm imploded last September. Bhatti had a secret equity interest in the Cabo resort through an investment group controlled</p>

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GX-28	June 19, 2009	<p><u>Ex-Leafs among NHLers suing developer</u>, The [Toronto] Star</p> <p>Discusses NHL player claims that Jowdy misappropriated funds intended for the development of the Mexican resorts.</p> <p>"A golf resort developer duped nearly two dozen NHL players out of \$25 million (U.S.), blowing the money on gratuitous parties that were attended by former Yankees players Roger Clemens and Reggie Jackson, according to a lawsuit filed Thursday."</p> <p>"The <i>New York Post</i> reported in Friday's edition that 19 former and current NHL players filed suit against Ken Jowdy, alleging they invested the money with the Las Vegas-based golf course mogul to develop two luxury resorts, a project they say is seven years behind schedule."</p>
GX-29	June 19, 2009	<p><u>NHL Players' Cash Invested in Hookers, Booze</u>, Bleacher Report, Big League Screw</p> <p>Discusses allegations in lawsuits by former and current NHL players that Jowdy misappropriated funds intended for golf courses</p> <p>"A group of former and current NHL players has sued real estate developer Ken Jowdy."</p> <p>"Unfortunately, their money was blown on hookers and booze — by somebody else. They allege that their investments, meant for a golf course, were squandered by Jowdy."</p>
GX-30	June 20, 2009	<p><u>Roger Clemens' pal Ken Jowdy denies NHL players' salacious allegations</u>, New York Daily News, Teri Thompson, Michael O'Keefe & Nathaniel Vinton</p> <p>Discusses the lawsuits filed against Jowdy, and his denial of the allegations</p> <p>"A close friend of embattled pitcher Roger Clemens, Jowdy strongly denies the salacious claims in two lawsuits fled simultaneously in Los Angeles on Thursday which assert that Jowdy misused millions of dollars of the plaintiffs' money intended for golf-course developments on the Baja peninsula and Cabo San Lucas on lavish parties and private plane rides for baseball players and other athletes and friends. 'The claims are outrageous and they aren't true,' Jowdy said. 'We have had four</p>

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		<p>promotional weekends since 2003, and all have been attended by baseball players, hockey players, wives, girlfriends and prospects. The only reason that my friends are mentioned was in order to gain the most publicity possible, and to hurt me the most.”</p> <p>“Jowdy's lawyers are expected to move to dismiss the case next week, but according to a source familiar with both parties, it would not be surprising if the federal government ended up investigating the matter.”</p> <p>“According to Jowdy, the claims in the lawsuits that he has "failed to execute even the most fundamental elements of a business or development plan" in Cabo and Baja are erroneous and were contradicted in a deposition he gave on May 27 . . .”</p>
GX-31	June 22, 2009	<p><u><i>Builder blows \$25 million investment from NHL players on porn stars and Roger Clemens</i>, The Score Report, Anthony Stalter</u></p> <p>Discusses allegations of Jowdy’s misappropriation of funds provided by current and former NHL players</p> <p>“The 19 former and current stick-handlers — including an all-star roster of Rangers and Islanders — are demanding that Las Vegas-based golf-course mogul Ken Jowdy return the \$25 million they invested, plus fork over \$15 million in damages for failing to build two luxury resorts in Mexico that are seven years behind schedule.”</p>
GX-32	February 17, 2010	<p><u><i>NHL players' flamboyant lawsuit against Roger Clemens' pal could be thrown out</i>, Daily News, Teri Thompson and Michael O’Keeffe</u></p> <p><u><i>Retitled, NHL Players Out in Cold on Suit</i>, Daily News, Teri Thompson and Michael O’Keeffe</u></p> <p>Discusses consolidated lawsuits against Jowdy for misappropriation of funds intended for development of the Mexican golf courses; mentions commencement of federal investigation; mentions allegations, denied by Jowdy, that Mexican authorities issued a warrant for his arrest and that there are liens against the properties.</p> <p>“The suit alleged that Jowdy blew money the players invested in two golf developments on Mexico's Baja peninsula on ‘porn stars, escorts, party girls and other women,’ as well as private jets, five-</p>

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		<p>star hotels and golf outings to impress Clemens, Jackson, banned hit king Pete Rose and ESPN broadcaster Joe Morgan.”</p> <p>“The players also said that Mexican authorities had issued a warrant for Jowdy's arrest, and that his development in Cabo San Lucas had been hit by liens in excess of \$2.5 million by disgruntled former employees.”</p> <p>“They said there was a warrant for my arrest,’ Jowdy said after the lawsuit was filed. ‘Not true. . .’</p> <p>“There have been no liens on the property, according to Jowdy's Mexican lawyer, Fernando Garcia.”</p> <p>“The players' allegations got the attention of federal prosecutors in New York, who launched an investigation last summer. . . it is possible the focus of the federal probe will shift to Kenner and his associate, a former race car driver named Tommy Constantine, known as Tommy Hormovitis before he legally changed his name after pleading guilty in 1993 in Illinois to one count of delivery of a controlled substance - cocaine.</p> <p>Kenner and Constantine have been involved in several legal battles involving hockey players. Former NHL star Joe Juneau accused Kenner in a lawsuit filed in December of 2008 in U.S. District Court in Los Angeles of bilking him out of millions of dollars in investments. An arbitrator awarded Minnesota Wild right wing Owen Nolan \$2.5 million after Nolan claimed he was scammed by Kenner.”</p>
GX-9	April 27, 2010	<p><u>Lawsuit filed in the Superior Court of the State of California captioned <i>Jowdy v. Berard, Kenner, Constantine</i></u></p> <p>Jowdy alleges, among other things, that his reputation had been tarnished with allegations of mismanagement of DCSL; waste of funds from Lehman Brothers; Kenner took funds from the NHL Players to fund the project; and Constantine, in coordination with Kenner, had disparaged Jowdy in communications with Lehman Brothers and Danske.</p> <p>COMPLAINT:</p> <p>“Defendants implemented a coordinated scheme to knowingly disseminate false information about Plaintiff Kenneth A. Jowdy ("Jowdy") in the hope of forcing Jowdy from his controlling interest in lucrative real estate development projects and then acquiring Jowdy's equity interests in those projects at a fraction of</p>

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	<p>their true value. Whenever possible, Defendants cloaked their statements in documents filed with various courts, hoping that legal doctrines such as the "Litigation Privilege" would shield them from liability from their intentionally defamatory statements. Defendants circulated their false claims to the press and to the business community where the projects are located in the hope of damaging Jowdy's reputation as the developer of the projects to scare potential investors away from the projects as long as Jowdy was involved. While not entirely successful, Defendants did damage Jowdy's reputation, perhaps irreparably, and have caused him to lose millions of dollars in the value of his equity interests in the projects that may never be reclaimed.” (p. 1, ¶ 1)</p> <p>“A new entity named Diamante Del Mar, LLC ("DDM") was created to hold and manage the future investments in El Rosario. Various documents were prepared to provide to early investors in the project. A variety of these documents, including an Offering Memorandum that was provided to Kenner and many of his hockey player clients, specifically laid out the speculative nature of the El Rosario project, the fact that it was Jowdy's first real estate development project, and that no promises could be made that investments in the project would be returned at all, or that they would be returned within any specific period of time. Subscription Agreements that were prepared contemplated that investors would acknowledge review and receipt of the Offering Memorandum, guarantee that they were qualified for these speculative and unregistered investments, represent that any investment in the El Rosario project was made based solely on the statements in the Offering Memorandum and the Subscription Agreement and not on any other document or oral comment, and agree to personally indemnify DDM and its managing member, Jowdy, if they ever filed an action based on any representations about the El Rosario project other than what appeared in the Offering Memorandum or the Subscription Agreement.” (p. 5, ¶ 24)</p> <p>“Despite these efforts, however, Jowdy and Kenner had difficulty generating interest from new investors, and therefore decided to establish a similar project in Cabo San Lucas (the ‘Cabo project’) and to use the Cabo project to generate increased interest in the El Rosario project.” (p. 6, ¶ 27)</p> <p>“In or around 2005, Jowdy and Kenner began looking for possible investment sites in Cabo San Lucas, and eventually located a suitable property for the Cabo project (the "Cabo</p>
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	<p>property"). Jowdy negotiated a purchase agreement with the owner and, as required by Mexican property laws, used a Mexican company, Propiedades DDM, to hold the interest in the Cabo property." (p. 6, ¶ 28)</p> <p>"The purchase price of the Cabo property was \$72,825,823. Jowdy and Kenner agreed that Kenner would contribute the money for the due diligence and the down payment on the Cabo property, and that Jowdy would be responsible for securing financing for the remainder of the acquisition cost and the development of the Cabo project. It was later agreed that the Cabo property would be owned by Diamante Cabo San Lucas S. De RL De C.V., a new single purpose entity, which would in turn be 99% owned by an entity called Diamante Cabo San Lucas, LLC ("DCSL")." (p. 6, ¶ 29)</p> <p>"Originally, Jowdy and Kenner were to be the sole members of DCSL. Each of them decided, however, to hold their half-interest in DCSL through another corporate entity. Jowdy formed KAJ Holdings, LLC to hold his interest in DCSL, and Kenner formed Baja Ventures 2006, LLC to hold his interest in DCSL. In exchange for his equity in KAJ Holdings, LLC, Jowdy contributed the interest to which he was entitled in the Cabo project." (p. 6-7, ¶ 30)</p> <p>"Jowdy is the sole and managing member of KAJ Holdings, LLC and Kenner is the sole and managing member of Baja Ventures 2006, LLC." (p. 7, ¶ 31)</p> <p>"Although Kenner agreed to provide the down payment on the Cabo property in return for his interest in DCSL, it became apparent that Kenner did not have the money to do so Jowdy is informed and believes, and on that basis alleges, that Kenner initially "borrowed" \$2.5 million from two hockey player clients - Jere Lehtinen and Jozef Stumpel - to purchase his equity interest." (p. 7, ¶ 32)</p> <p>"Jowdy is informed and believes, and on that basis alleges, that when the "borrowed" and other funds proved insufficient, Kenner began soliciting his hockey player clients for the additional funds for the down payment." (p. 7, ¶ 33)</p> <p>"Kenner decided to give the hockey players who contributed to the down payment a portion of Kenner's own equity in the project. Kenner made these hockey player clients, including Bryan Berard, Sergei Gonchar and Mattias Norstrom, members of</p>
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		<p>a new entity, CSL Properties 2006, LLC, and arranged it so 8% of the equity Kenner held in DCSL through Baja Ventures 2006, LLC would be held by CSL Properties 2006, LLC.” (p. 7, ¶ 34)</p> <p>“Kenner is the sole managing member of CSL Properties 2006, LLC. Jowdy is not a member of that entity. Jowdy never solicited any investments from Kenner's hockey player clients with respect to the Cabo project, was not aware of any investment discussions, and never communicated with them about the Cabo project before they agreed to give Kenner money for that project.” (p. 7, ¶ 35)</p> <p>“Constantine told Jowdy that unless he acquiesced to these demands, Kenner would sue Jowdy and claim that he had stolen funds relating to the projects, publish embarrassing information about Jowdy's friends and potential investors, and contact Lehman Bros. to claim that had mismanaged the Cabo project. When it became clear that the disagreements between Jowdy and Kenner could not be resolved, Jowdy terminated Kenner's employment with DCSL in or around May of 2008.” (p. 8, ¶ 39)</p> <p>“Jowdy later learned that all along Constantine had been spreading negative information about Jowdy, namely that Constantine had contacted Lehman Bros. and made false and extremely disparaging comments about Jowdy's performance and conduct as the manager of the Cabo project, including that Jowdy had wasted the funds Lehman Bros. had disbursed to the Cabo project and that Jowdy was incapable of completing the project. Shortly thereafter Lehman Bros. went bankrupt in September 2008, thus eliminating the funding of the loan to DCSL. In February 2009, a creditor of Lehman Bros. – a European bank [<i>i.e.</i>, Danske] –acquired the note held on the Cabo property by Lehman Bros., and Jowdy was able to restructure the note to provide the additional funding for the project.” (p. 8, ¶ 40)</p> <p>“Jowdy is also informed and believes, and on that basis alleges, that in or around this same period, Constantine furthered his and Kenner's scheme of spreading negative information about Jowdy by contacting the European bank that had acquired the note on the Cabo property to make additional disparaging remarks about Jowdy.” (p. 7, ¶ 55)</p> <p>“While the Cabo project survived the Lehman Bros. bankruptcy and is poised for success, the baseless claims asserted by Defendants were widely reported and caused significant interference with the projects' future prospects and Jowdy's equity interest in the Cabo property.” (p. 7, ¶ 72)</p>
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		<p>“Jowdy is informed and believes, and on that basis alleges, that Constantine also committed a series of acts designed to interfere with Jowdy's ability to realize the benefits of his purchase of equity in KAJ Holdings, LLC, including, but not limited to, making disparaging and false statements to Lehman Bros. and the European bank that later acquired the note on the Cabo property regarding Jowdy's management abilities and conduct. (p. 7, ¶ 83)</p>
GX-33	April 28, 2010	<p><u><i>Unleashing a Slap Shot. Rocket Pal Sues Hockey Players</i>, Daily News</u></p> <p>Discusses, <i>inter alia</i>, how Kenner and Constantine had spread information about Jowdy to the public including: a warrant for arrest of Jowdy by Mexican authorities; falsified financial statements; and millions of dollars of liens against DDM and DCSL as a result of labor disputes.</p> <p>“THE GOLF COURSE developer[, Ken Jowdy,] accused in a 2009 lawsuit of blowing \$25 million of NHL players' money on porn stars, strippers and wild parties has dropped the gloves and punched back, filing his own \$5 million malicious prosecution lawsuit in a California court yesterday.”</p> <p>“The men ‘implemented a coordinated scheme to knowingly disseminate false information’ about Jowdy in the June, 2009 lawsuit filed by Richards in the hope of taking over Jowdy's controlling interest in lucrative real estate development projects, including Diamante Cabo San Lucas, the Mexican golf course property valued at \$450 million, according to the complaint.”</p> <p>“Jowdy's suit says. ‘Defendants circulated their false claims to the press and to the business community where the projects are located in the hope of damaging Jowdy's reputation as the developer of the projects to scare potential investors away from the projects as long as Jowdy was involved.’”</p> <p>“They invested in Diamante through Kenner, and Jowdy said he never dealt directly with them. “These players, they helped us do what we've done here,” Jowdy said. "I would love for them to come and see the project and what we've done. I want to be clear. I just want them to tell the truth. I'm not looking to make money off people who helped me, but their advisers tried to destroy me.”</p> <p>“Among the allegations Jowdy says were false and salacious and damaged his business and reputation were not only that he</p>

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		arranged for porn stars to attend functions but that an arrest warrant had been issued for him in Mexico based on false allegations, that labor disputes there had led to liens of \$2.5 million against the properties and that he had falsified financial statements.”
GX-34	October 2, 2010	<p><u><i>NHL Players Sued as Developer Hits Back</i>, Daily News</u></p> <p>Discusses lawsuit filed by Jowdy</p> <p>“The Senators' star defenseman was served with a \$5 million malicious prosecution lawsuit filed by Ken Jowdy, the golf course developer accused in a 2009 suit of squandering \$25 million of NHL players' money on porn stars, strippers and wild parties. Jowdy, the Cabo San Lucas developer and close friend of former Yankee pitcher Roger Clemens, claims in the suit that he was the victim of a vicious legal and media smear campaign concocted by his former partner, Philip Kenner, an unlicensed financial adviser who calls himself a ‘lifestyle coach’ to NHL players.”</p> <p>“Convicted drug dealer Tommy Constantine and Ronald Richards, a Beverly Hills attorney who represented Kenner and Constantine in the 2009 litigation against Jowdy, are also named as defendants.</p> <p>The lawsuit said the hockey players and the other defendants ‘implemented a coordinated scheme to knowingly disseminate false information’ about Jowdy in a June 2009 lawsuit filed by Richards in the hope of taking over Jowdy's controlling interest in lucrative real estate development projects.</p> <p>Kenner's 2009 suit alleged that Jowdy wasted the hockey players' investment in his golf course development by arranging for porn stars and strippers to attend functions in Mexico attended by Clemens, Hall of Famer Joe Morgan and other baseball stars.”</p>
GX-35	October 17, 2010	<p><u><i>Two for Stashing! NHL Stars Claim Former Race Car Driver & Drug Felon Pocketed Their Investment Cash in Fraudulent Business</i>, Daily News</u></p> <p>Discusses a lawsuit against Constantine regarding a prepared credit card company and Jowdy’s lawsuit against Constantine and Kenner.</p> <p>“The convicted drug felon [<i>i.e.</i>, Constantine] who persuaded 20 former and current National Hockey League players to invest millions of dollars in a prepaid credit card company used the</p>

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		<p>money as his ‘personal ATM’ and embarked on a scheme to strip the business of its assets and defraud investors, according to a lawsuit filed earlier this month in Arizona.”</p> <p>“Constantine and Kenner are also defendants in a \$5 million malicious prosecution suit filed in April in California by Ken Jowdy, a golf course developer and close friend of former Yankee pitcher Roger Clemens. Jowdy claims Constantine and Kenner, a self-described ‘lifestyle coach,’ and seven NHL players disseminated false information about Jowdy in the hope of taking over his interest in lucrative projects in Mexico.”</p>
GX-36	January 14, 2011	<p><u>Findings of Fact, Conclusions of Law, and Judgment in lawsuit filed in the Clark County District Court in Nevada, captioned <i>Glenn Murray v. Kenneth Jowdy and Kenneth Jowdy, as third party plaintiff v. Phillip Kenner, et.al.</i>, 08-A571984</u></p> <p>Discusses, <i>inter alia</i>, Kenner and Jowdy’s relationship and partnering in development projects; Jowdy’s dishonesty; Jowdy’s use of retired hockey player’s funds for investment in real estate projects and Jowdy’s failure to repay the retired player as promised.</p> <p>FROM FINDINGS OF FACT:</p> <p>“It was undisputed by the parties that, in 2005 and prior thereto, MR. KENNER and MR. JOWDY were friends and conducted business together, mostly with respect to real estate developments, such as Diamante Cabo San Lucas.” p. 2, ¶ 4</p> <p>“MR. JOWDY testified he had no money to invest in the [Palms Place] condominiums, but that MR. KENNER assured him he (KENNER) would get the money. He noted it was unusual that all he had to do was to put his name on the deal.” p. 3, ¶ 6 n.3</p> <p>“MR. JOWDY then asked his friend and Director of Golf Operations at Diamante Cabo San Lucas, BOB GAUDET, to seek short-term financing for the three (3) additional deposits totaling \$791.410.00. According to [Jowdy], however, MR. KENNER was to fund the deposit and he requested that MR. JOWDY ‘buy time’ as he (KENNER) was in the process of acquiring the monies due.” p. 5, ¶ 14</p> <p>“MR. MURRAY and other professional athletes, through their business manager, MR. KENNER, had invested monies in Diamante Del Mar, which, according to MR. JOWDY, remains a viable investment and development opportunity.” p. 13, ¶ 29 n.24</p>

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		<p>FROM CONCLUSIONS OF LAW:</p> <p>“MR. JOWDY’S claims he was unaware of MR. MURRAY’S involvement, or that the \$791,410.00 he received was a loan from MR. MURRAY are further contradicted by the other testimony, documentary evidence and even the allegations contained in his Third-Party Complaint.” p.16</p> <p>“Again, this Court questions why MR. KENNER would have written MR. JOWDY an e-mail he needed to speak with "Glen" [Murray] and instructed MR. JOWDY to wire the funds back to MR. MURRAY'S account if the money came from MR.KENNER and not loaned by MR. MURRAY, as MR. JOWDY professes. p. 17</p> <p>“Further, MR. JOWDY'S testimony he later received conflicting oral instructions by MR.KENNER to wire the funds to BAJA DEVELOPMENT (wholly-owned by MR. JOWDY and MR. GARCIA) is not supported by any testimony or documentary evidence, such as confirming e-mails.” p. 17</p> <p>“Lastly, what is also evident is MR. JOWDY never understood the \$791,410.00 to be a gift, whether it came from MR. KENNER or MR. MURRAY. When demands were made to return the funds, MR. JOWDY refused to return it. Such refusal to return the principal plus interest constitutes a breach of contract.” p. 17</p> <p>“All in all, this Court concludes MR. MURRAY met his burden of proof by a preponderance of the evidence a contract existed between MR. JOWDY and him for the latter to loan \$791,410.00 to MR. JOWDY for a period of 30-45 days in exchange for a ten percent (10%) return. This Court further concludes MR. JOWDY breached the contract by failing to repay MR. MURRAY the principal and ten percent interest in 30-45-days' time, or by September 26, 2005 at the latest.” p. 17</p>
GX-37	March 4, 2011	<p><u><i>Ken Jowdy Tagged by Glen Murray for Close to a \$1,000,000.00 Judgment, Ronald Richards and Associates</i></u> https://ronaldrichards.com/ken-jowdy-tagged-by-glen-murray-for-close-to-a-1000000-judgment/</p> <p>Discussion of Jowdy’s loss of a civil suit resulting in judgment of almost \$1,000,000.</p>

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		<p>“Kenneth Jowdy, a developer who received millions from NHL players finally lost a big case in Las Vegas, Nevada.”</p> <p>“The judgment is the first time someone has finally obtained a judgment against Mr. Jowdy as he employs a battery of attorneys anytime he is sued. A copy of the 30 page judgment is here: Murray Judgment Against Ken Jowdy. It is now a FINAL JUDGMENT and can’t be appealed.”</p> <p>“These are the numeric findings totalling [sic] close to \$1,000,000.00. The post judgment interest will bring it over that amount shortly . . .”</p>
GX-38	October 23, 2012	<p><u><i>Tiger Gets Builder Off the Hook, Daily News</i></u></p> <p>Discusses allegations against that Jowdy misappropriated player funds and Ronald Richards widely distributed this information to the media.</p> <p>“FOR ALMOST four years, Ken Jowdy has fought a fierce war to clear his name against claims by a former business partner that he squandered millions invested by NHL players on wild parties and private planes instead of using their money to develop a Cabo San Lucas golf resort on the Baja California peninsula.”</p> <p>“Jowdy confirmed Monday that construction has begun on a [Tiger]Woods-designed course adjacent to the highly regarded Dunes course at Diamante Cabo San Lucas, the course and development Jowdy has painstakingly built over the last six years despite a litany of lawsuits and lurid allegations aimed at him by Phil Kenner, an unlicensed investment adviser, on behalf of 19 current and former NHL players. Golf Magazine reported Monday that construction on the course began last month and is expected to open in the spring of 2014 under Woods' design.”</p> <p>“As the Daily News reported in a series of articles beginning in 2009, Jowdy, whose relationship with Kenner ended in the same 2007 economic downturn that torpedoed Woods' projects, has fought to keep the development alive despite repeated attacks from Kenner and Constantine. The first of those attacks began in 2009 with a \$25 million lawsuit Kenner filed against Jowdy on behalf of the players, who include former Rangers and Islanders defenseman Bryan Berard and one-time Islanders captain Michael Peca, former Ranger Greg deVries and Ottawa's Sergei Gonchar. The suit, widely distributed to the media by Los Angeles attorney</p>

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		<p>Ronald Richards, claimed that Jowdy had spent the hockey players' money on "porn stars, escorts, party girls and other women," as well as golf outings with Roger Clemens, Reggie Jackson, Pete Rose and Joe Morgan.'</p> <p>Jowdy vehemently denied the allegations and kept building his golf course, fighting back with his own malicious prosecution suit in February against Kenner and the players. . . The players dropped their suit against Jowdy in 2010 after a Los Angeles judge ruled that several of them had violated a court order compelling them to appear for depositions, and harshly chastised Richards, their lawyer."</p>
GX-39	June 30, 2013	<p><u>Former NHL star Bryan Berard out to recover millions lost in financial scam</u>, New York Daily News, <u>Nathanial Vinton, Michael O'Keeffe and Teri Thompson</u></p> <p>Discusses a former NHL player's efforts to recover funds; and mentions involvement by law enforcement and lawsuits against Kenner and Constantine.</p> <p>"[Bryan Berard's] mission: to recover the millions he invested with an unlicensed financial investor who bills himself as a "lifestyle coach" and a convicted cocaine dealer who reinvented himself as a race car driver."</p> <p>"Now Berard is speaking to law enforcement investigators trying to unravel bank transfers and payments centering around a web of investments that may have extracted up to \$100 million from Berard and other investors, among them more than a dozen current and former NHL players."</p> <p>"The former Ranger and Islander star has spent the last two-and-a-half years providing law enforcement officials with documents and evidence that he hopes will lead to charges against the two Arizona men who Berard says scammed him and the other players. He has joined forces with a retired Long Island policeman and investor named John Kaiser, who was also an alleged victim of the Kenner and Constantine schemes."</p> <p>"In January 2011, when Berard and Kaiser met in Kaiser's home office on Long Island and began examining documents related to the deals, particularly the Diamante development in Cabo, it became clear that Kenner had much more equity in the projects than any of the players, who by that point had become embroiled in a series of lawsuits between the players and Kenner and</p>

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		<p>Constantine that have clogged courts in Arizona, Nevada and California for the last five years.</p> <p>“Kaiser also discovered his signature had been forged on at least one document.”</p> <p>“Before long, Berard and Kaiser were meeting with law enforcement investigators and telling their story. Meanwhile, Berard hopes the investigation is nearing an end. He has been spending time in Cabo working with the sales company that markets the beach front villas at Diamante.”</p> <p>“‘I’ve dealt with much tougher and smarter guys than either Kenner or Constantine,’ Berard says. ‘And I believe in our justice system and think the investigators looking at this are committed and professional.’”</p>
<p>GX-13</p> <p>GX-40</p>	<p>July 1, 2013</p>	<p><u>Where did the hockey millions go?, Fortune, Katie Benner</u></p> <p><u>Berard Goes on Power Play Scammed Ex-NHL Star Fighting Back, Daily News (New York), Teri Thompson, Michael O’Keeffe, Nathaniel Vinton</u></p> <p>Mentions the fraud suit brought by the current and former NHL players in 2009; interest in the manner by United States Attorney’s Office; and Danske’s involvement in the matter, including comments by Peter Hughes of Danske</p> <p>“It was a lawsuit with all the elements tabloids love: Sex. Money. Star athletes. Betrayal. Fraud.</p> <p>“Sure enough, when 19 current and former National Hockey League players, all of them clients of a money manager named Phil Kenner, brought a fraud suit in June 2009, the newspapers pounced. The suit claimed they had sunk \$25 million into two developments in Mexico — golf courses, condos and hotels — being put together by a real estate investor named Ken Jowdy. Instead of building, the suit charged, Jowdy had blown the money on ‘porn stars, escorts, strippers, party girls’ to entertain a retired baseball star. The plaintiffs included hockey players such as Sergei Gonchar, Bryan Berard, and Michael Peca.”</p> <p>“Still, the row piqued the interest of the U.S. Attorney’s office in New York City.”</p> <p>“Lehman Brothers had financed one of the Mexico golf developments before tumbling into bankruptcy. The suit alleged</p>

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		<p>that a Lehman loan officer had a secret interest in the project. The Federal Bureau of Investigation began investigating.”</p> <p>“He predicted he was about to wrest legal control of Diamanté, Jowdy’s golf property in Cabo. The long-awaited payday, he said, was at hand. Kenner’s story was colorful, but key pieces didn’t hold up. Danske Bank, which inherited the loan on Diamanté after Lehman collapsed, said that Jowdy and the project were subject to a rigorous inspection. ‘If there had been mismanagement, I think it would have turned up in the due diligence we’ve conducted on the project over the past three years,’ Peter Hughes, a Danske manager, told Fortune in 2012. ‘We found no evidence that Jowdy was stealing money, and we’re satisfied with the job he’s doing.’ (For his part, Jowdy denies any wrongdoing.)”</p> <p>“ [Owen] Nolan’s brief cited a report by Arnie & Co., a forensic accounting firm he hired, which concluded that Kenner had comingled client funds. Arnie also found that money from Nolan’s line of credit had gone toward Kenner’s personal investments and to make interest payments on lines of credit he had opened on behalf of other clients. The firm, which has worked with the government to probe Ponzi schemes, concluded that Kenner’s actions demonstrated ‘one of the most abusive handlings of client monies that [Arnie] has investigated.’</p> <p>In the end, arbitrators ruled that Nolan hadn’t proven fraud or commingling of funds but concluded that Kenner breached his fiduciary duty to Nolan after he took out a \$2.2 million line of credit in Nolan’s name, secured by Nolan’s assets. Kenner agreed to withdraw only \$100,000 to put toward a real estate deal in Hawaii, but instead he withdrew the full \$2.2 million and invested it in additional land deals. The panel awarded Nolan \$2.2 million in damages. Collection efforts are ongoing. Kenner insists he did nothing wrong and that Nolan, like his other clients, always knew what Kenner was doing with his money.”</p>
GX-41	July 1, 2013	<p><u><i>Former Financial Advisor to NHL Players Attempts to Close the Book on Fraud Allegations. . . , Deal Breaker</i></u></p> <p>Discusses lawsuits against Jowdy and comments made by Peter Hughes of Danske</p> <p>“Back in 2009, over a dozen NHL players, then current and former, sued golf resort developer Ken Jowdy for taking their \$25 million investment in a Mexico property that never materialized, and allegedly spending the money on ‘lavish parties that included</p>

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		<p>various female porn stars, escorts, strippers [and] party girls,' thrown 'to impress ex-baseball players Roger Clemens, Reggie Jackson, Pete Rose, and ESPN announcer Joe Morgan,' in addition to paying himself a salary of \$800,000/year and putting his brother-in-law on payroll, for no discernible reason, at \$650,000/year. Although the lawsuit was ultimately dropped, the government had begun to investigate the situation and started to suspect the players' money manager, a guy named Phil Kenner (who, according the Daily News, 'billed himself as a lifestyle coach'). Four years later, even has the lawsuits by former clients rack up and the FBI investigation is said to continue, Kenner maintains his innocence. To that end, he recently spoke with Fortune reporter Katie Benner in an attempt to clear his name. Do people have it all wrong about him? Are the allegations he defrauded investors patent bull shit? We have no idea but one thing not exactly helping Kenner's cause re: being an upstanding and not at all shady individual? Telling this story..."</p> <p>"[Kenner] predicted he was about to wrest legal control of Diamanté, Jowdy's golf property in Cabo. The long-awaited payday, he said, was at hand. Kenner's story was colorful, but key pieces didn't hold up. Danske Bank, which inherited the loan on Diamanté after Lehman collapsed, said that Jowdy and the project were subject to a rigorous inspection. 'If there had been mismanagement, I think it would have turned up in the due diligence we've conducted on the project over the past three years,' Peter Hughes, a Danske manager, told Fortune in 2012. 'We found no evidence that Jowdy was stealing money, and we're satisfied with the job he's doing.' (For his part, Jowdy denies any wrongdoing.)"</p>
GX-42	November 13, 2013	<p><u>Former NHL player Bryan Berard and ex-cop help feds nail two Arizona men in massive fraud: Phil Kenner and Tommy Constantine are charged with ten counts of conspiring to steal \$15 million from NHL players and several Long Island Cops and their families, Daily News (New York), Teri Thompson, Michael O'Keeffe, Christian Red and Nathaniel Vinton</u></p> <p><u>Retitled, Former NHL Player Bryan Berard and ex-cop help feds nail two Arizona men in massive fraud, Daily News (New York), Teri Thompson, Michael O'Keeffe, Christian Red and Nathaniel Vinton</u></p> <p>Mentions indictment of, and arrests of, Kenner and Constantine; and states that Kaiser began to suspect wrongdoing after he read a series of newspaper articles in 2010.</p>

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		<p>“A swarm of law enforcement officials, including agents from the FBI, the IRS and the Scottsdale (Ariz.) police, arrested Phil Kenner and Tommy Constantine on multiple charges of bilking the players who trusted the men to invest their money, including wire fraud, wire fraud conspiracy, and money laundering conspiracy.”</p> <p>“For more than a decade, according to the indictment, Kenner and Constantine organized a scheme telling victims their money would be invested in real estate ventures, privately held companies and a legal defense fund when in fact the money was diverted to accounts Kenner and Constantine used for themselves.”</p> <p>“‘Phillip Kenner spun a web of lies, deceit and broken promises that stretched from Hawaii to Mexico to the east end of Long Island,’ [then-U.S. Attorney Loretta] Lynch wrote in the letter [to the Court]. ‘Kenner used his school connections to build a client list of NHL players. Once he gained their trust he promptly betrayed it by steering them to fraudulent investment schemes that enriched himself and Constantine to the tune of millions at the players' expense.’”</p> <p>“After the men became unable to account for the players' money in late 2009-2010, the government alleges Kenner and Constantine convinced the players to pony up their savings for what became a \$10-\$12 million "global settlement fund" (GSF) meant to wage a legal battle against Ken Jowdy, Kenner's former partner in the Cabo San Lucas golf development called Diamante.”</p> <p>“Jowdy, who split with Kenner in late 2007-2008 and has spent the last five years constructing and developing Diamante even as he fought a myriad of legal claims brought against him by Kenner, told The News in a series of interviews that he, too, has been threatened and victimized by Kenner and Constantine. He began providing the government with documents and information within days of the start of the government's investigation in 2009. Kenner and Jowdy came to odds amid the economic downturn in 2007-2008 and the collapse of Lehman Bros., their primary banker, and their feud led Kenner and Constantine to solicit more money from the players - contributions ranging from \$250,000 to \$1 million each toward the GSF. ‘I invested \$250,000 with Phil Kenner and Ken Jowdy in 2004-2005, when Kenny found the property for Diamante,’ said Berard, "and other players were</p>
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		<p>doing the same. There was no paperwork. By 2007, Phil Kenner was saying Ken Jowdy was stealing our money and that we had to put in more to get Diamante away from him. ‘Now we know it was the other way around.’”</p> <p>“As their other real estate schemes began to unravel, Constantine and Kenner traversed North America raising money for the GSF in their desperate attempt to wrest control of Diamante from Jowdy, meeting with each player, telling them the only way they could get their money back was to go after Jowdy. The men raised \$4.1 million, which was deposited into a client trust account of Hollywood attorney Ronald Richards. According to Jowdy, Kenner demanded Jowdy turn over his shares in Diamante or risk a lawsuit and a character assassination attack through the media. Jowdy refused to do so, and Richards filed a lawsuit in the name of the players. Reported widely, it claimed Jowdy had blown the original \$25 million of the players' money on strippers, porn stars, private jets and wild Cabo parties attended by Jowdy and his pals, including Roger Clemens and Joe Morgan.”</p> <p>“In late 2010, after a series of News stories had begun exposing Kenner and Constantine's hockey shenanigans, [John]Kaiser began to suspect the men were pilfering his money.”</p> <p>“Kaiser and [Brian] Berard embarked on their own tour, jumping in Kaiser's truck and driving all over North America to meet with the hockey players and try to convince them that the lifestyle coach they had trusted for years and his race-car driving associate had scammed them out of millions. They met with Jowdy, too, traveling to Cabo to finally see Diamante for themselves. They have spent the last year working on the Diamante project with Jowdy, turning it into one of the world's premier golf destinations.”</p>
GX-43	November 13, 2013	<p><u><i>Two Indicted In \$15 Million Investment Fraud Scheme That Victimized National Hockey League Players And Long Island Investors</i></u>, U.S. Attorney’s Office Press Release</p> <p>U.S. Attorney’s Office press release describes the charges against Kenner and Constantine.</p> <p>“Beyond the NHL players, in August 2006, Kenner and Constantine also allegedly defrauded Lehman Brothers Holdings Inc. of \$2 million based on Kenner’s misrepresentations</p>

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		<p>concerning the use of a real estate loan. In total, the victims of this scheme lost more than \$13 million.”</p> <p>“In May 2009 through February 2010, Kenner and Constantine persuaded NHL players to give approximately \$4.1 million to fund an attorney’s escrow account, termed the Global Settlement Fund, or GSF, which was to be used to finance litigation related to Mexican land deals. However, only a small fraction of the players’ contributions to the GSF were used for litigation; rather, the vast majority of the money was allegedly transferred into bank accounts controlled by Constantine, and significant portions of the money were used by Kenner and Constantine for purposes unrelated to the GSF, including funding Kenner’s personal investment in a tequila company in Mexico, funding litigation in Florida related to a race car company owned by Constantine, and funding the transfer of Constantine’s Arizona home. The players lost more than \$1 million as a result of this scheme.”</p> <p>“As alleged, Phillip Kenner spun a web of lies, deceit and broken promises that stretched from Hawaii to Mexico to the East End of Long Island. Kenner used his school connections to build a client list of NHL players. Once he gained their trust he promptly betrayed it by steering them to fraudulent investment schemes that enriched himself and Constantine to the tune of millions at the players’ expense,’ stated United States Attorney Lynch. ‘We and our law enforcement partners will vigorously pursue and prosecute to the fullest extent those who seek to profit by such fraud.’ Ms. Lynch expressed her grateful appreciation to the FBI and IRS for their work on the investigation, and thanked the Scottsdale, Arizona, Police Department for their assistances. Assistant Director in Charge George Venizelos: ‘As alleged, Kenner exploited his personal relationship with these players in pursuit of his own lucre. Player after player, time after time he and his partner, Constantine, stole from anyone they could find. This was an elaborate scheme of deception, trickery, and lies that victimized many. The FBI will continue to pursue anyone who believes using others’ savings as their personal piggy bank is acceptable behavior. ‘It is not uncommon for investment fraudsters to target a specific group of victims and that group may even include the perpetrator’s own friends and acquaintances,’ stated IRS Special Agent-in-Charge Weirauch. ‘The cooperation between IRS-Criminal Investigation, the U.S. Attorney’s Office, and the FBI should give the investing public confidence that investment fraud schemes will ultimately be uncovered and</p>
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		thoroughly investigated, and that the scammers will be prosecuted. Nevertheless, always take care when entrusting money to others, including to investment professionals whom you already know.’ The charges in the indictment are merely allegations, and the defendants are presumed innocent unless and until proven guilty. If convicted the defendants face maximum sentences of 20 years.”
GX-44	November 14, 2013	<p><u><i>Money Manager Arrested for Defrauding Hockey Players of \$15 Million</i></u>, Fortune, Katie Benner</p> <p>States that an investigation into Jowdy led to Kenner and Constantine.</p> <p>“The government started investigating the two men after Kenner’s then-clients — including current and former stars such as Bryan Berard, Sergei Gonchar, and Michael Peca — sued real estate developer Ken Jowdy in 2009, claiming he stole their money in a deal involving Mexican golf courses, hotels, and condos. A probe of Jowdy soon turned into an investigation of Kenner, and the FBI began looking at whether the Jowdy suit was filed simply to cover up a decade’s worth of criminal activity.”</p> <p>“But now one thing is certain for Kenner: This latest action brought by the government is very real, and it will be the toughest legal battle he has fought so far.”</p>
GX-45	November 14, 2013	<p><u><i>Scammers on Ice Game Over for Pair Who Bilked Berard & Other NHL Stars Out of \$15 Million</i></u>, Daily News (New York), Teri Thompson</p> <p>Discusses details surrounding the crimes conducted by Kenner and Constantine in relation to the Mexican properties.</p> <p>“‘Phillip Kenner spun a web of lies, deceit and broken promises that stretched from Hawaii to Mexico to the east end of Long Island,’ [then-United States Attorney] Lynch wrote in the letter [to the Court]. ‘Kenner used his school connections to build a client list of NHL players. Once he gained their trust he promptly betrayed it by steering them to fraudulent investment schemes that enriched himself and Constantine to the tune of millions at the players’ expense.’”</p> <p>“The scope of the fraud is still under investigation and could result in a superseding indictment for upwards of what Berard and others believe could be \$80 million.”</p>

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		<p>“The sprawling investigation uncovered a web of fake investments, lavish expenses, forged signatures on lines of credit, death threats and blackmail, much of which centers around Kenner and Constantine's attempts to gain control of a Cabo San Lucas golf resort that is rapidly becoming one of the most acclaimed courses in North America.”</p> <p>“Jowdy, who split with Kenner in late 2007-2008 and has spent the last five years constructing and developing Diamante even as he fought myriad of legal claims brought against him by Kenner, told The News in a series of interviews that he, too, has been threatened and victimized by Kenner and Constantine. He began providing the government with documents and information within days of the start of the government's investigation in 2009.”</p> <p>“Kenner and Jowdy came to odds amid the economic downturn in 2007-08 and the collapse of Lehman Bros., their primary banker, and their feud led Kenner and Constantine to solicit more money from the players contributions ranging from \$250,000 to \$1 million each toward the GSF. ‘I invested \$250,000 with Phil Kenner and Ken Jowdy in 2004-2005, when Kenny found the property for Diamante,’ said Berard, ‘and other players were doing the same. There was no paperwork.’ By 2007, Phil Kenner was saying Ken Jowdy was stealing our money and that we had to put in more to get Diamante away from him.”</p> <p>“As their other real estate schemes began to unravel, Constantine and Kenner traversed North America raising money for the GSF in their desperate attempt to wrest control of Diamante from Jowdy, meeting with each player, and telling them the only way they could get their money back was to go after Jowdy. The men raised \$4.1 million, which was deposited into a client trust account of Hollywood attorney Ronald Richards. According to Jowdy, Kenner demanded Jowdy turn over his shares in Diamante or risk a lawsuit and a character assassination attack through the media. Jowdy refused to do so, and Richards filed a lawsuit in the name of the players. Reported widely, it claimed Jowdy had blown the original \$25 million of the players' money on strippers, porn stars, private jets and wild Cabo parties attended by Jowdy and his pals, including MLB greats Roger Clemens and Joe Morgan.”</p> <p>“Jowdy has vigorously fought to dispel the now-discredited lawsuit's claims, pointing out to potential investors that Diamante</p>
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CHART OF SIGNIFICANT PUBLIC INFORMATION REGARDING KENNER, CONSTANTINE, DIAMANTE, AND JOWDY

		<p>is now ranked among Golf Magazine's top 100 courses in the world and that Tiger Woods has joined a related project in Cabo. By the time the feds began investigating the GSF, Kenner and Constantine's alleged fraud had been underway for at least five years. According to the indictment, between 2004-06, Kenner and Constantine had set up lines of credit on the players' behalf through Chicago-based Northern Trust in Phoenix, claiming the money would be invested in a Hawaii land-development project. Instead, the men also allegedly transferred that money to accounts for their own use. According to the indictment, Kenner and Constantine used the money for meals, limos, rental cars and cell-phone expenses.”</p> <p>“They met with Jowdy, too, traveling to Cabo to finally see Diamante for themselves. They have spent the last year working on the Diamante project with Jowdy, turning it into one of the world's premier golf destinations. ‘I'm 100% behind the project,’ Kaiser says. ‘But think of what it could have been had we known what was going on.’”</p>
GX-46	November 15, 2013	<p><u><i>Goons Still Big Threat Feds Requesting No Bail in Case of Hockey Scammers</i></u>, Daily News (New York), Teri Thompson, Nathaniel Vinton</p> <p>Includes allegation by Jowdy that Kenner threatened him.</p> <p>“Developer Ken Jowdy, with whom Kenner waged a long legal battle over control of a new golf course in Cabo San Lucas called Diamante, told the Daily News in a series of interviews over the last four years that he had been threatened and victimized by Kenner, fearing for his life as he worked to turn Diamante into one of the most acclaimed new courses in the world.”</p>